

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Cook Productions, LLC,

Plaintiff,

v.

Case No. 2:16-cv-1192

John Clarke, et al.,

**Judge Michael H. Watson
Magistrate Judge E. P. Deavers**

Defendants.

ORDER

On July 26, 2017, Cook Productions, LLC, ("Plaintiff") filed a Notice of Partial Voluntary Dismissal of Its Claims Against Tedros Legesse, ECF No. 44, pursuant to Rule 41 of the Federal Rules of Civil Procedure. The Clerk is **ORDERED** to **STRIKE** that Notice.

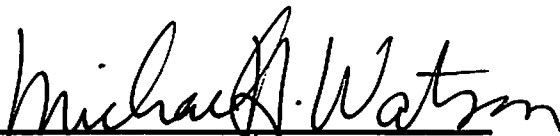
Plaintiff's Notice is procedurally improper because it seeks voluntary dismissal of one of the defendants. Rule 41, however, governs dismissals of actions, not parties. Plaintiff can voluntarily dismiss a defendant from this action, as previously pointed out by Magistrate Judge Deavers, ECF No. 41, by filing a motion pursuant to Federal Rule of Civil Procedure 21, which explicitly permits the Court, "[o]n motion or on its own, . . . on just terms, [to] add or drop a party." Fed. R. Civ. P. 21. Moreover, even if Rule 41 was the proper procedural mechanism to drop a party, Plaintiff's Notice was improperly executed. Rule 41 (a)(1)(A)(ii) provides that after an answer or motion for summary judgment is

filed, a Plaintiff can voluntarily dismiss an action by filing a stipulation for dismissal signed by all parties who have appeared in the action. Nevertheless, the Notice is signed only by Plaintiff's counsel.

On July 26, 2017, Plaintiff also filed a Motion to Enter Consent Restraining Order Against Tedros Legesse. ECF No. 43. That Motion is **DENIED**. The Court does not intend to retain jurisdiction over future enforcement of any settlement agreements between Plaintiff and any defendants in this action. Nor will the Court issue restraining, or other orders that incorporate the terms of any such settlement agreements.

Having been made aware that a settlement has been reached, however, the Court intends to exercise its authority under Federal Rule of Civil Procedure 21. The Court will drop Tedros Legesse from this action unless Plaintiff shows cause within seven days why Tedros Legesse should not be dropped as a party.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT